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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 28th February, 1992:—

BILL No. 3 OF 1992

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 1992

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Every voter shall exercise his right of vote compulsorily when called for by the Election Commission:

Provided that a voter may be exempted from exercising his vote only when he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner testifying to such incapacity.

Short title, extent and comment.

Compulsory voting by voters.

(1)

Penalty
for fail-
ure to
cast vote.

3. Failure to cast his vote shall render a person liable to a fine of rupees five hundred or one week imprisonment or both in the case of deliberate avoidance:

Provided that if any employee of the Union Government or of the State Government or any public sector undertaking, owned by either the Union or the State Government, fails to cast his vote, such an employee shall also not be given his next one increment

STATEMENT OF OBJECTS AND REASONS

It is a very sad feature that is revealed at all elections that the number of voters who actually cast their vote is far less than those eligible. The average number of votes polled is around 50 per cent. It is a glaring commentary on the responsibility of citizens that the fate of the country's democratic institutions has been left to be decided by about 50 per cent of the electorate. Since the trend of voting from time to time does not show any appreciable increase in the number of those who exercise their franchise, time has come to ensure that all the citizens exercise their sovereign right to choose their representatives, so that the elections may reflect the will of the whole electorate and not merely that of a part of it. During the recently concluded elections to the tenth Lok Sabha, in number of States the voting was less than 40 per cent. and in a number of cases people had boycotted elections and thus did not vote deliberately. With a view to increase the representativeness of the voting, the present Bill purports to make it compulsory for every eligible voter to vote and to provide for exemption only in cases where the voter is physically incapacitated due to illness of a serious nature.

Hence this Bill.

R. SURENDER REDDY.

NEW DELHI;
November 7, 1991.

BILL No. 199 OF 1991

A Bill further to amend the Payment of Gratuity Act, 1972.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Payment of Gratuity (Amendment) Act, 1991.

Amend-
ment of
section
1.

2. In section 1 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act),—

39 of 1972.

(i) in sub-section (3),—

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) every shop or establishment.”;

(b) clause (c) shall be omitted;

(ii) sub-section (3A) shall be omitted.

3. In section 2 of the principal Act, in clause (e),—

Amend-
ment of
section
2.

(i) the words “, not exceeding two thousand and five hundred rupees per mensem, or such higher amount as the Central Government may, having regard to the general level of wages, by notification, specify”, shall be omitted; and

(ii) the Explanation shall be omitted.

4. In section 4 of the principal Act,—

Amend-
ment of
section

(i) sub-section (3) shall be omitted; and

(ii) sub-section (7) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In the Payment of Gratuity Act, 1972, three restrictions have been put on the payment of gratuity to the workers. Firstly, it is not payable to persons employed in shops and establishments wherein less than ten persons are employed. Secondly, it is not payable to employees drawing wages exceeding rupees two thousand and five hundred rupees per mensem and finally the amount of gratuity payable to an employee can not exceed fifty thousand rupees.

In the present circumstances these restrictions are depriving a large number of employees from receiving their legitimate gratuity. These restrictions are, therefore, required to be removed.

Hence this Bill,

NEW DELHI;

November 11, 1991.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that gratuity should be paid to employees of all shops and establishments irrespective of the number of persons employed in them. Clause 3 seeks to do away with the provision of payment of gratuity only to those employees whose wages do not exceed two thousand and five hundred rupees per mensem and instead provides that gratuity should be paid to all employees. Clause 4 seeks to do away with the provision that amount of gratuity payable to an employee shall not exceed fifty thousand rupees. The Central Government will have to incur some expenditure in respect of employees working in the establishments, factories, mines, etc., belonging to, or under the control of, the Central Government. The Bill, therefore, if enacted, will involve recurring expenditure of about rupees four crores per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 194 OF 1991

A Bill further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Payment of Bonus (Amendment) Act, 1991.

Amend-
ment of
section 1.

2. In section 1 of the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act),—

(i) in sub-section (3), in clause (b),—

(a) the words “in which twenty or more persons are employed on any day, during an accounting year:” shall be omitted;

(b) the proviso shall be omitted;

(ii) sub-section (5) shall be omitted.

3. In section 2 of the principal Act, in sub-section (13), the words "not exceeding two thousand and five hundred rupees per mensem" shall be omitted.

Amend-
ment of
section 2.

4. Section 12 of the principal Act shall be omitted.

Omission
of sec-
tion 12.

STATEMENT OF OBJECTS AND REASONS

The Payment of Bonus Act, 1965, extends only to those factories which are established under the Factories Act, 1948, and to all other establishments in which either twenty or more persons are employed. The Government has also been given the power to extend it to factories and other establishments where there are less than twenty employees but in no case it can be less than ten. Bonus is a deferred wage and time has come when bonus should be paid to employees in the establishments which employ less than ten persons. This has also been the long standing demand of the working class and often resolutions demanding universal application of the Payment of Bonus Act, 1965, have been passed by different trade unions.

Also, there are two types of restrictions on payment of bonus. Firstly, it is not paid to employees drawing salary of more than two thousand and five hundred rupees and secondly, even though the bonus is paid to employees drawing salary upto two thousand and five hundred rupees, it is calculated as if the salary of the employee is one thousand and six hundred rupees only. Both these restrictions have become out of date as a majority of workers get wages or salary more than rupees two thousand and five hundred per mensem. Thus, majority of the workers are either being deprived of bonus or are getting less amount than what they should be paid.

This Bill, therefore, seeks to extend the Payment of Bonus Act, 1965, to all employees irrespective of their salaries or the number of employees employed by any factory or establishment.

NEW DELHI;

SHARAD DIGHE.

November 11, 1961.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that bonus should be paid to employees of all factories and establishments irrespective of the number of persons employed in them. Clause 3 seeks to do away with the provision of payment of bonus only to those employees whose salaries or wages do not exceed two thousand five hundred rupees per mensem and instead provides that bonus should be paid to all employees. Clause 4 provides that bonus shall be payable according to the actual salary or wages of an employee. The Central Government will have to incur some expenditure in respect of the employees working in the Central Government offices and establishments. The Bill, therefore, if enacted, will involve a recurring expenditure of about rupees five crores per annum.

No non-recurring expenditure is likely to be involved.

BILL No. 196 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1991.

Amend-
ment of
Eighth
Schedule.

2. In the Eighth Schedule to the Constitution,—

(a) entries 7 to 15 shall be re-numbered as entries 8 to 16 respectively; and

(b) before entry 8 as so re-numbered, the entry “7 Konkani.” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The people of Goa and other Konkani-speaking people living outside Goa have long been pressing for the inclusion of this language in the Eighth Schedule to the Constitution. A resolution seeking the inclusion of Konkani in the Eighth Schedule has also been passed by the Government of the State of Goa. Konkani has its literary and cultural history and is the official language of the State of Goa.

Goa did not form part of the Indian Union when the Constitution was adopted. Naturally, one could not complain about Konkani's exclusion from the Eighth Schedule to the Constitution so long as its homeland was out of the Union. But, on the merger of Goa into the Indian Union in 1961 justice demanded that its language too be granted recognition.

It is time the Konkani language is included in the coveted Eighth Schedule and the injustice done to the language having rich history, tradition and potential is corrected.

Hence this Bill.

NEW DELHI;

SHARAD DIGHE.

November 12, 1991.

BILL NO. 206 OF 1991

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951 and the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

Short
title.

1. This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 1991.

Amendment
of the Con-
stitution
(Scheduled
Castes)
Order,
1950.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950,—

(i) in Part I.—Andhra Pradesh, after entry 29, the following entry shall be inserted, namely:—

“29A. Khateek, Khatik, Khaateek, Aray Katika, Maratha Khateek, Chikwa, Chak, Mali, Halal, Hindu Kasai, Suryawanshi, Kalal, Dhangar, Bakar Kasaw, Sonkar”;

(ii) in Part II.—Assam, after entry 9, the following entry shall be inserted, namely:—

“9A. Khateek, Khatik, Chikwa, Chak, Bakar Kasaw, Bar Gujar, Dhangar, Aray Katika, Kalal, Halal, Sonkar”;

(iii) in Part III.—Bihar after entry 15, the following entry shall be inserted, namely:—

“15A. Khateek, Khatik, Chikwa, Chak, Mali, Bakar Kasaw, Bar Gujar, Dhangar, Aray Katika, Kalal, Suryawanshi, Adarkhi Vaish, Saha, Sonkar, Bihari, Khateek”;

(iv) in Part IV.—Gujarat, after entry 15, the following entry shall be inserted, namely:—

“15A. Khateek, Khaateek, Kath, Kathik, Kathor, Arya Kathik, Aray Katika, Mali, Bakar Kasaw, Bar Gujar, Suryawanshi”;

(v) in Part V.—Haryana, for entry 20, the following entry shall be substituted, namely:—

“20. Khatik, Khateek, Chak, Chikwa, Sonkar, Suryawanshi, Kalal, Mali, Bakar Kasaw, Bar Gujar, Aray Katika”;

(vi) in Part VI.—Himachal Pradesh, for entry 34, the following entry shall be substituted, namely:—

“34. Khatik, Khaateek, Mali, Suryawanshi, Chikwa, Chak, Bakar Kasaw, Sonkar, Sunkhar, Kalal, Bar Gujar, Raiya, Kathik, Kath, Aray Katika”;

(vii) in Part VII.—Karnataka, after entry 50, the following entry shall be inserted, namely:—

“50A. Khateek, Khaateek, Aray Katika, Katika, Halal, Malal, Maratha Khateek, Khasai, Suryawanshi, Lad, Dhangar, Chikwa”;

(viii) in Part VIII.—Kerala, after entry 30, the following entry shall be inserted, namely:—

“30A. Khateek, Khaateek, Aray Katika, Mali, Kalal, Halal, Suryawanshi, Lad, Dhangar, Maratha Khasai”;

(ix) in Part IX.—Madhya Pradesh, for entry 30, the following entry shall be substituted, namely:—

“30. Khatik, Khaateek, Mali, Dhangar, Chak, Maratha Khateek, Sonkar, Bar Gujar, Raiya, Sunkhar, Kalal”;

(x) in Part X.—Maharashtra, for entry 31, the following entry shall be substituted, namely:—

“31. Khatik, Khaateek, Chak, Chikwa, Chikvi, Mali, Dhangar, Sonkar, Suryawanshi Khateek, Kalal, Bakar, Kasaw, Kathik, Kath, Aray Katika, Lad, Chakhna”;

(xi) in Part XI.—Manipur, after entry 1, the following entry shall be inserted, namely:—

“1A. Khateek, Khaateek, Mali, Dhangar, Chak, Chikwa, Sonkar, Suryawanshi Khateek, Kalal, Bakar Kasaw, Kathik, Kath, Aray Katika, Lad, Chakhna”;

(xii) in Part XII.—Meghalaya, after entry 9, the following entry shall be inserted, namely:—

“9A. Khateek, Khaateek, Suryawanshi Khateek, Dhangar, Chak, Chikwa, Sonkar, Kalal, Bakar, Kasaw, Kathik, Kath, Aray Katika, Lad, Chakhna”;

(xiii) in Part XIII.—Orissa, after entry 46, the following entry shall be inserted, namely:—

“46A. Khatik, Khaateek, Mali Dhangar, Chak, Chikwa, Sonkar, Suryawanshi, Kalal, Bakar Kasaw, Kathik, Kath, Aray Katika, Lad, Chakhna”;

(xiv) in Part XIV.—Punjab, after entry 20, the following entry shall be substituted, namely:—

“20. Khatik, Mali, Suryawanshi, Chak, Chikwa, Sonkar, Suryawanshi Khateek, Kalal, Bakar Kasaw, Kathik, Kath, Aray Katika, Lad, Chakhna”;

(xv) in Part XV.—Rajasthan, for entry 36, the following entry shall be substituted, namely:—

“36. Khatik, Mali, Suryawanshi, Chak, Khikwa, Sonkar, Suryawanshi Khateek, Kalal, Bakar Kasaw, Kathik, Kath, Aray Katika, Lad, Chakhna”;

(xvi) in Part XVI.—Tamil Nadu, after entry 31, the following entry shall be inserted, namely:—

“31A. Khateek(Khatik, Mali, Suryawanshi, Chak, Chikwa, Sonkar, Suryawanshi Khateek, Kalal, Bakar Kasaw, Kathik, Kath, Aray Katika, Lad, Chakhna, Kasai, Khasai, Maratha Khasai”;

(xvii) in Part XVII.—Tripura, for entry 20, the following entry shall be inserted, namely:—

“20A. Khateek, Khatik, Suryawanshi, Chak, Chikwa, Sonkar, Suryawanshi Khateek, Kalal, Bakar Kasaw, Kathik, Kath, Aray Katika, Lad, Chakhna, Kasai, Khasai, Maratha Khasai, Hindu”;

(xviii) in Part XVIII.—Uttar Pradesh, for entry 47, the following entry shall be substituted, namely:—

“47. Khatik, Mali, Suryawanshi, Chak, Chikwa, Chikwi, Sonkar, Sonkar, Raiya, Bar Gujar, Narchhane, Banwate, Silawat, Rangia, Bakar Kasaw, Aray Katika”; and

(ix) in Part XIX.—West Bengal, for entry 34, the following entry shall be substituted, namely:—

“34. Khatik, Mali, Falmali, Suryawanshi, Chak, Chikwa, Chikwi, Sonkar, Sonkhar, Raiya, Bar Gujar, Bakar Kasaw, Aray Katika”.

Amend-
ment
of the
Constitu-
tion
(Scheduled
Castes)
(Union
Territories)
Order,
1951.

3. In the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951:—

(i) in Part III.—Mizoram, after entry 9, the following entry shall be inserted, namely:—

“9A. Khateek, Khatik, Falmali, Suryawanshi, Chak, Chikwa, Chikwi, Sonkar, Sonkhar, Bakar Kasaw, Aray Katika, Kath, Kathore, Raiya, Dhangar”; and

(ii) in Part IX.—Arunachal Pradesh, after entry 9, the following entry shall be inserted, namely:—

“9A. Khateek, Khatik, Falmali, Suryawanshi, Chak, Chikwa, Chikwi, Sonkar, Sonkhar, Bakar Kasaw, Aray Katika, Kath, Kathore, Dhangar, Raiya”.

Amend-
ment of
the Consti-
tution
(Goa,
Daman
and Diu)
Scheduled
Castes
Order, 1968.

4. In the Schedule to the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968, after entry 2, the following entry shall be inserted, namely:—

“2A. Khatik, Khateek, Mali, Falmali, Suryawanshi, Kalal Halal, Chak, Chikwa, Sonkar, Raiya, Dhangar, Bakar Kasaw, Aray Katika, Kath, Kathoe, Raiya, Hala! Khor, Maratha, Khasai, Kasai (excluding the areas comprising Daman and Diu)”.

STATEMENT OF OBJECTS AND REASONS

There are several castes within the Indian Caste System who are engaged in the same occupation throughout the country, but are known by different names on the basis of their place, language and higher or lower status within the caste system. Khatik caste is one of such castes found all over India and their number is about four crores but due to the aforesaid reasons they have different names such as Khateek, Khaateek, Maratha Khateek, Mali, Falmali, Sunkhfiar, Sonkar, Sonkhar, Suryawanshi, Chandrawanshi, Kalal, Halal, Halalkhor, Kasai, Khasai, Hindu Khasai, Maratha Khasai, Katika, Aray Katika, Kath, Kathore, Kathik, Bakar Kasaw, Chak, Chikwa, Chikwi, Raiya, Dhangar, Pulayan, Bar Gujar, Banwate, Karchhne, Silwat, Lad, etc. The Bill seeks to bring this socially and educationally most backward and large community under one umbrella.

The Constitution (Scheduled Castes) Order, 1950, contains several such castes which have been recognised as scheduled Castes in most of the States but in some States these have not been included in the list of Scheduled Castes. In some States only two to four sub-castes of such Scheduled Castes are included in the list of Scheduled Castes and the remaining have been left out.

The Bill seeks to include Khatik and all its sub-castes in the list of Scheduled Castes of various States by removing such discrepancies.

NEW DELHI;
November 20, 1991.

RAJNATH SONKAR SHASTRI.

BILL NO. 9 OF 1992

A Bill further to amend the Constitution of India.

Enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

- | | |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 1992. |
| Amendment of Eighth Schedule. | 2. In the Eighth Schedule to the Constitution,—
(a) entries 8 to 15 shall be re-numbered as entries 9 to 16 respectively; and
(b) before entry 9 as so re-numbered, the entry “8. Manipuri.” shall be inserted. |

STATEMENT OF OBJECTS AND REASONS

As the State of Manipur was merged in the Dominion of India on October 15, 1949 it was not separately represented in the Constituent Assembly during the process of the framing of our Constitution. As a result the case of including Manipuri as a national language in the Eighth Schedule to the constitution could not be considered. Since the said merger, the people of Manipur, especially the new generation of youth and students have been demanding the inclusion of Manipuri language in the Eighth Schedule to the Constitution. There have been many agitations by the Manipuri speaking people in support of this demand. But this legitimate demand has not been met favourably so far.

Manipuri is an ancient language with highly developed literature. The Manipuri people are highly talented in arts, music and literature--all of which they have learnt in their own language. There are a large number of Manipuri newspapers and journals that have given a new vibrancy to the Manipuri language. All business in Manipur state, including electioneering is done in Manipuri language. More than one million people speak Manipuri language in the Manipur valley as their mother tongue while a more than half a million people freely use this language in the hill areas as the means of communication with members of other tribes and their brethren in the valley. Again there are more than half a million Manipuri people who speak Manipuri in the rest of India.

The Bill seeks to recognise the status of Manipuri as one of our country's great languages and accord it its due place with other national languages. This will also meet the aspirations of the Manipuri people and remove a longstanding irritant that has been the cause of considerable unrest.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 22, 1991.

Y. YAIMA SINGH.

BILL NO. 5 OF 1992

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1992.

Amend-
ment of
section
51.

2. In section 51 of the Code of Civil Procedure, 1908 (~~hereinafter~~ 5 of 1908, referred to as the principal Act),—

(i) clause (c) shall be omitted;

(ii) the proviso and Explanation thereto shall be omitted;

Omission
of sec-
tion 55.

3. Section 55 of the principal Act shall be omitted.

Amend-
ment of
section
56.

4. In section 56 of the principal Act,—

(i) for the words "a woman", the words "any person" shall be substituted; and

(ii) in the marginal heading, for the word "women", the words "a person" shall be substituted.

5. Section 57, 58 and 59 of the principal Act shall be omitted.

Omission
of sec-
tions 57,
58 and 59.

6. In the First Schedule to the principal Act, in Order XXI,—

Amend-
ment of
First
Sche-
dule.

(a) in rule 11,—

(i) sub-rule (1) shall be omitted;

(ii) in clause (j) of sub-rule (2), the words "(iii) by the arrest and detention in prison of any person;" shall be omitted;

(b) rules 11A and 21 shall be omitted;

(c) in rule 30,—

(i) the words "by the detention in the civil prison of the judgement-debtor, or" shall be omitted;

(ii) the words "or by both" shall be omitted;

(d) rules 37, 38, 39 and 40 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 11 of International Covenants on Civil and Political Rights (U.N. Doc. A/6316 dt: 16.12.1966) which came into force on 23.3.1976 stresses that "no one shall be imprisoned merely on the ground of (his) inability to fulfil contractual obligations". India had ratified this covenant in the year 1979 and hence is bound to respect article 11 of the Covenant under International Law. Even article 51 of the Constitution of India *inter-alia* provides that "the State shall endeavour to foster respect for International Law and treaty obligations in the dealings of organised people with one another".

The provisions in the Code of Civil Procedure, 1908, for arrest and detention of persons in Civil prison for their inability to satisfy the money decrees passed against them are against article 11 of the International Covenants on Civil and Political Rights. The provisions for arrest and detention in the Code of Civil Procedure, 1908, are also being misused and the indebted persons right to life and liberty are being jeopardised. Right to life and liberty of the indebted persons are also to be protected in a socialist State.

The Bill seeks to achieve this objective.

NEW DELHI;
November 25, 1991.

P. P. KALIAPERUMAL.

BILL No. 12 OF 1992

A Bill to provide the Indian citizens living abroad with the right to vote in elections to the House of the People and the Legislative Assemblies of the States.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Citizens Abroad (Voting Right at Elections) Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

(i) "Commission" means the Election Commission appointed by the President under article 324 of the Constitution;

(ii) "Electoral Officer" means Electoral Officer as provided in the Representation of the People Act, 1950; and

Short
title,
extent
and
com-
mence-
ment.

Defini-
tions.

(iii) "prescribed" means prescribed by the rules made under this Act.

Right to
vote to
Indian
citizens
living
abroad.

3. Notwithstanding anything contained in any other law for the time being in force,—

(i) all Indian citizens who are living abroad and who retain their Indian citizenship shall have the right to exercise their franchise in elections to the House of the People and the Legislative Assemblies of the States in the country;

(ii) the names of such Indian citizens mentioned in sub-clause (i) shall continue to be registered in the electoral rolls of the constituency in which they were residing before leaving the country; and

(iii) the Commission shall make suitable arrangements in such manner as may be prescribed, to enable the Indian citizens living abroad whose names have been entered in the electoral rolls to exercise their franchise at every election to the House of the People and the Legislative Assemblies of the States.

Diplo-
matic
and
Consular
Officer
to assist
Election
Com-
mission.

4. The Head of Diplomatic Mission or Consular Officer of the Government of India, as the case may be, in a foreign country shall be designated as an Electoral Officer, who shall act in aid of Commission in the discharge of its functions under section 3.

Commis-
sion to
prepare
electoral
rolls of
Indian
citizens
living
abroad.

5. (1) The Commission shall prepare separate electoral rolls of Indian citizens living abroad for each constituency referred to in section 3.

(2) A copy of the electoral rolls as prepared under clause (1) shall be sent to all Heads of Diplomatic Missions or Consular Officers of the Government of India.

Power to
make
rules.

6. (1) The Central Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the registration, preparation and publication of the voters' list of the Indian citizens living abroad; and

(b) any other matters which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Indian citizens living in foreign countries are taking keen interest in the affairs of the country. Their interests in various developmental schemes including their contribution in the mobilisation of resources for India are commendable. But it is a matter of regret that in the absence of statutory provisions, they have no right to exercise their franchise in the elections to the State Legislatures and Parliament held in the country.

Since the names of most of these Indian nationals are not entered in the electoral rolls of the constituencies in which they were residing before leaving the country, they are not able to exercise their franchise. They do not have any facility to receive the ballot paper in the countries they are living to cast their votes in the elections to the State Legislatures and to the Parliament.

In view of the vital role they play in the affairs of the country, those Indian nationals living abroad and who have retained their Indian citizenship should be given the right to vote and necessary arrangements should be made for registering them as voters in the constituencies they were residing before leaving the country. This step would fulfil the aspirations of the Indian citizens living abroad.

This Bill seeks to achieve this objective.

NEW DELHI;

E. AHAMED.

November 25, 1991.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for making suitable arrangements to enable the Indian citizens living abroad to exercise their franchise at elections to Lok Sabha and State Legislatures. Clause 5 provides that the Election Commission shall prepare separate electoral rolls of Indian citizens living abroad. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty lakhs per annum.

A non-recurring expenditure to the tune of rupees ten lakhs is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill provides that the Central Government may make rules for carrying out the purposes of the Act. These rules will relate to matters of details only. The delegation of legislative power is of a normal character.

BILL NO. 10 OF 1992

A Bill to provide for the establishment of a permanent Bench of the High Court of Madhya Pradesh at Bhopal.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the High Court of Madhya Pradesh (Establishment of a permanent Bench at Bhopal) Act, 1992.

Establishment of a permanent Bench of the High Court of Madhya Pradesh at Bhopal.

2. There shall be established a permanent Bench of the High Court of Madhya Pradesh at Bhopal and such number of Judges of the High Court of Madhya Pradesh, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Bhopal in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bhopal, Vidisha, Rajgarh and Sehore.

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for the setting up of a permanent Bench of the High Court of Madhya Pradesh at Bhopal.

Bhopal is connected with the prominent parts of the State of Madhya Pradesh by rail, road and air services. All types of facilities like transport, communication, etc. are available here. In the interest of administration of cheap justice and for the convenience of the people of Bhopal and its neighbouring districts, it is necessary that a Bench of the High Court of Madhya Pradesh be established at Bhopal.

The Bill seeks to achieve the above objective.

NEW DELHI;

LAXMINARAIN PANDEY.

November 25, 1991.

BILL No. 17 OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1992.

Amend-
ment
of
article
348.

2. In article 348 of the Constitution,—

(i) for clause (1), the following clause shall be substituted, namely:—

“(1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

(a) all proceedings in the Supreme Court and in every High Court shall be in the English and Hindi languages; and

(b) the authoritative texts—

(i) of all Bills to be introduced or amendments there-
to to be moved in either House of Parliament or in the
House or either House of the Legislature of a State,

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and

(iii) of all orders, rules, regulation and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State,

shall be in the English language.”; and

(iv) in clause (2), the words “the Hindi language, or” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Even after 44 years of Independence, in accordance with the provisions of article 343 of the Constitution, the Supreme Court is still transacting its business in the English language alone, inspite of the fact that hardly two per cent. of our population can understand English. It will be in the interest of the common masses of the country if in all proceedings in the Supreme Court, the highest judicial institution in the country, and in the High Courts, Hindi language is also used in addition to the English language.

Hence this Bill

NEW DELHI;
November 28, 1991.

YASHWANTRAO PATIL

BILL NO. 11 OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1992.

Short
title.

2. In article 16 of the Constitution, for clause (4), the following clause shall be substituted, namely:—

Amend-
ment of
article
16.

“(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointment or posts in favour of women and any backward class of citizens which, in the opinion of the State, are not adequately represented in the services under the State.”

STATEMENT OF OBJECTS AND REASONS

The Constitution of India guarantees for both men and women justice. But the bitter reality is that women are not treated as equal to men. They are socially slighted, economically weakned and educationally relegated. Relentless efforts are being made to relieve them from the miseries they are experiencing. All out efforts are being made to encourage women's participation in education. Now it is stated that the literacy rate amongst women is nearly 40 per cent.

Educated women are being discriminated in the matter of employment in organised sectors. Provisional data indicates that total employees in organised sector as on March 1989 was 195 lakhs. Out of this, the number of women employees was 35 lakhs only, which works out to just 19 per cent of the total. The total number of employees who were provided in the jobs by the employment exchanges during 1990 was 2.64 lakhs and out of this, around 50.60 thousands were women which work out to 20 per cent of the total.

It is abundantly clear from the above that the representation of women in administration is only to the extent of 20 per cent. They have no equal representation or even sufficient representation in the administration.

The ratio of job opportunities between men and women is 80:20. It is discrimination against women and violates social justice and Human Rights declaration.

Educated young women are marginalised by men chauvinists in the matter of appointments and posts in the administration and other organised sectors.

In these circumstances, the provisions for reservation of appointments or posts in favour of women is inevitable.

Hence this Bill.

New Delhi;
December 2, 1991.

P. P. KALIAFERUMAL,

BILL NO. 16 OF 1992

A Bill to provide for setting up of a fund for the welfare of unorganised labour and for matters connected therewith.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Unorganised Labour Welfare Fund Act, 1992.

Short
title
and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(a) "contribution" means any amount credited to the Welfare Fund constituted under section 3;

(b) "employer" means any person who employs, whether directly or indirectly or through another person, or whether on behalf of himself or any other person, one or more employees in an industry or factory or establishment, where there is no trade union;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "trade union" means all labour unions which have been recognised by or under the authority of the Trade Unions Act, 1926;

(e) "unorganised labour" means any class of persons employed for hire or reward to do any work, skilled or unskilled, manual or clerical including those employed in printing, hotel and leather factories where there is no trade union and includes any class of out-workers to whom any articles or materials are given by another person to be made up, cleaned, printed, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of trade or business of that other person and where the process is to be carried out either in the home of the out-workers or in some other premises not being premises under the control and management of that other person and also includes agricultural labour; and

(f) "welfare fund" means the welfare fund set up for the welfare of unorganised labour under this Act.

Unorganised labour welfare fund.

3. The Central Government shall, by notification in the Official Gazette, create a fund to be known as Unorganised Labour Welfare Fund which shall be administered in such manner as the Central Government may prescribe.

Contribution by the Central Government and State Governments.

4. The Central Government and the State Governments shall contribute to the welfare fund in such manner as may be prescribed.

Duty of every employer.

5. It shall be the duty of every employer to contribute to the welfare fund in such manner as may be prescribed.

Utilisation of fund.

6. All moneys received in the welfare fund shall be utilised for the welfare of the unorganised labour in such manner as the Central Government may prescribe, with the purpose of organising such labour to come progressively within the purview of organised labour.

Power to create Posts and make appointments.

7. The Central Government shall have power to create posts and appoint persons to such posts in the prescribed manner for the proper administration of the welfare fund.

Advisory Committee.

8. (1) The Central Government shall, in consultation with the Government of the respective State or Union territory, as the case may be, appoint advisory committee for every State and Union Territory to advise the Central Government for administering the welfare fund.

(2) The terms and conditions of appointment of advisory committee and their members shall be such as may be prescribed.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the proposes of this Act.

Power to
make
rules.

(2) Without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the manner for administering the welfare fund;
- (b) prescribe the manner for utilisation of moneys received in the welfare fund;
- (c) prescribe terms and conditions of persons appointed to administer the welfare fund;
- (d) prescribe the mode and manner of constitution of State Advisory Committees and the terms and conditions of appointment of the members thereof; and
- (e) provide for any other matter which is to be or may be prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

For quite some time the minds of the legislators, public workers, leaders and others are agitated over the fact that although the organised labour, through its power of strike/agitation manages to get its demands, reasonable or unreasonable, fulfilled yet the unorganised labour which constitutes the major chunk of working classes in the country, feels helpless in getting its reasonable demands for minimum wages, etc. fulfilled. It is, therefore, the duty of the Governments at the Centre, States and Union territories to contribute their mite to the welfare of unorganised labour.

The Bill seeks to provide for a modality through which the Governments at the Centre, States and Union territories and employers are required to contribute to the welfare of employees scattered all over the country in an unorganised manner.

Hence this Bill.

NEW DELHI;
December 4, 1991.

R. JEEVARATHINAM.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to create a fund for the welfare of unorganised labour. Clause 4 of the Bill provides that the Central Government and State Governments shall contribute, in such manner as may be prescribed, to the Unorganised Labour Welfare Fund. Clause 7 of the Bill empowers the Central Government to appoint persons to posts created by it for the proper administration of the welfare fund. Clause 8 of the Bill provides for appointment of advisory committees for the States and Union territories to advise the Central Government for administering the welfare fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three crores per annum.

A non-recurring expenditure of rupees two crores per annum is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 empowers the Central Government to make rules for carrying out the purposes of the Act. The delegation of legislative power is of a normal character as it will relate to matters of detail only.

BILL NO. 7 OF 1992

A Bill to provide for the establishment of a permanent Bench of the High Court of Andhra Pradesh at Vijayawada.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the High Court of Andhra Pradesh (Establishment of a permanent Bench at Vijayawada) Act, 1992.

Establi-
shment
of a per-
manent
Bench of
High
Court of
Andhra
Pradesh
at Vijaya-
wada.

2. There shall be established a permanent Bench of the High Court of Andhra Pradesh at Vijayawada and such number of Judges of the High Court of Andhra Pradesh being not less than eight in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Vijayawada in order to exercise the jurisdiction and powers for the time being vested in that High Court in respect of cases arising in the districts of Chittoor, Nellore, Prakasam, Guntur, Krishna, West Godavari, East Godavari, Vijayanagaram, Vishakapatnam, Srikakulam and Khammam.

STATEMENT OF OBJECTS AND REASONS

There is a persistent demand for setting up of a permanent Bench of the High Court of Andhra Pradesh in the coastal districts. More than 25,000 cases are reported to be pending in the High Court of Andhra Pradesh for a long time and some cases are even pending for ten years and more.

Vijayawada city is located in the centre of the coastal district of Krishna in Andhra Pradesh. At present the people belonging to the coastal and Rayalaseema districts have to spend much time and money on travel for redressal of their grievances. Litigation has become a costly and time consuming affair for them. In the interests of litigant public and for providing speedy justice, a permanent Bench of the High Court of Andhra Pradesh should be established at Vijayawada.

The Bill seeks to achieve the above objective.

NEW DELHI;

BANDARU DATTATRAYA,

December 9, 1991.

BILL NO. 19 OF 1992

A Bill to provide for payment of monthly pension and provision of other facilities to the dependents of persons killed in naxalite acts of violence in the country.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Rehabilitation of Dependents of Victims of Naxalite Acts of Terrorism Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defi-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “family” means and includes husband, wife and dependent children;

(b) “naxalite act” shall have the same meaning as assigned to the expression “terrorist act” in sub-section (1) of section 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987.

3. If the only earning member of a family is killed in a naxalite act, the Central Government shall—

(i) pay pension at the rate of rupees three thousand per month to the family;

(ii) provide employment to any one eligible member of the family;

(iii) provide free education to the children of the person killed; and

(iv) provide such other assistance to the family of the person killed as it may deem necessary.

4. The Central Government may make rules for carrying out the provisions of this Act.

Pension and other facilities to the dependents of victims of naxalite acts.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Naxalite violence has claimed lives of a large number of innocent civilians in States of Andhra Pradesh, Madhya Pradesh, Bihar, Orissa, Maharashtra and some other States in India. The tragedy of the situation is heightened by the fact that the dependents of these unfortunate victims of violence are often left with no means and support. The trauma caused by the death of the bread-winner and the sudden deprivation of the means of livelihood ruins their lives.

Being a welfare State, our Government should provide the dependents of victims killed in naxalite acts, with monthly pension and other facilities in order to rehabilitate them and help them to lead a dignified life.

The Bill seeks to achieve the above objective.

NEW DELHI:
December 9, 1991

BANDARU DATTATRAYA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that if the only earning member of a family is killed in a naxalite act, the Central Government shall provide monthly pension, free education to the children, employment, etc. to the dependents of his family. The Bill, if enacted, therefore, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two crores per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 1 OF 1992

A Bill to provide for fixing the limit on borrowing by the Government of India under article 292 of the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Borrowing (Fixation of Limit) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Fixation
of limit
on the
borrow-
ing power
of the
Govern-
ment of
India.

2. Notwithstanding anything contained in any other law for the time being in force, the executive power of the Government of India shall extend to borrowing upon the security of the Consolidated Fund of India to ten per cent. of the gross national product of India, to be determined from year to year.

STATEMENT OF OBJECTS AND REASONS

The question of fixing limits by Parliament on the borrowing powers of the Central Government under article 292 of the Constitution has been engaging the attention of the Parliament since the year 1962-63.

The Public Accounts Committee in its 9th Report (1962-63) observed:

"The Committee feel that the existing manner of getting Parliamentary approval to the borrowing programme of Government does not provide satisfactory opportunity of an intelligent appraisal in Parliament of the issues involved, which would be afforded, if there were a specific debate thereon. They understand that the practice established in U.K., Canada, Ceylon and USA was to obtain the approval of the Legislature either specifically, before going to market for loans or to restrict the borrowing to the limits prescribed by the Legislature."

The Committee further *inter alia* observed in its Fifty-second Report (1965-66):

"The present procedure under which Parliamentary approval is taken for borrowing programmes as indicated in the Five Year Plans and the annual budgets and for the expenditure from the Consolidated Fund to which the loans are credited, does not satisfy the Constitutional requirements."

The Committee also noted the opinion of the Secretary, Department of Economic Affairs, that a proper system of fixing a limit on Government borrowing could be evolved but it would have to take into account certain variations.

The Committee finally recommended (Fifty-second Report):

"In view of the provisions contained in article 292 of the Constitution and the fact that such statutory limits do exist in other countries and that the debt of the Government of India has been steadily increasing the Committee would like to reiterate their earlier recommendations on this subject."

In the Sixty-eighth Report (Third Lok Sabha), the Committee again observed. "The Committee desire that the Government should take an early decision on the Committee's recommendations suggesting that a practical trial should be given to the healthy principle enunciated in article 292 of the Constitution regarding the fixation of a limit by Parliament on public borrowings".

Thus the need of a statute fixing the borrowing limit is being urgently felt particularly in view of the fact that the Government have gone

in for massive loans from IMF, World Bank, etc., on conditions harmful to the self-reliant national economy and increasing craze for soft options to deal with the problems on economic front.

The object of the Bill is to restrain the Executive from going in for wreckless borrowings and ensure Parliamentary accountability.

Hence this Bill.

NEW DELHI;

November 6, 1991.

CHITTA BASU.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(1) OF
THE CONSTITUTION OF INDIA

[Copy of letter No. F. 6(21)-W&M/91, dated 6 December, 1991 from Dr. Manmohan Singh, Minister of Finance to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill recommends the introduction of the Bill in Lok Sabha under article 117(1) of the Constitution of India.

BILL NO. 13 OF 1992

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964 and the Constitution (Sikkim) Scheduled Castes Order, 1978.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 1992.

Amend-
ment of
the Con-
stitution
(Sche-
duled
Castes)
Order,
1950.

2. In paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, for the words “or the Buddhist”, the words “, the Buddhist or the Christian” shall be substituted.

3. In paragraph 3 of the Constitution (Scheduled Castes) (Union territories) Order, 1951, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.
- Amendment of the Constitution (Scheduled Castes) (Union territories) Order, 1951.
4. In the proviso to paragraph 2 of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.
- Amendment of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.
5. In the proviso to paragraph 2 of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.
- Amendment of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.
6. In the proviso to paragraph 2 of the Constitution (Pondicherry) Scheduled Castes Order, 1964, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.
- Amendment of the Constitution (Pondicherry) Scheduled Castes Order, 1964.
7. In the proviso to paragraph 2 of the Constitution (Sikkim) Scheduled Castes Order, 1978, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.
- Amendment of the Constitution (Sikkim) Scheduled Castes Order, 1978.

STATEMENT OF OBJECTS AND REASONS

Many persons belonging to Scheduled Castes have converted to Christianity during the course of last many years. Upon conversion to Christianity they became ineligible for statutory concessions like reservations in services and of seats in Parliament and State Assemblies and non-statutory concessions like educational scholarships. At various times demands have been made for extending all the concessions and facilities which are available to the Scheduled Castes to them also on the ground that change of religion has not altered their social and economic condition. This ground reality has been established by the findings of various commissions set up by the State and Central Governments. There was a strong demand in both the Houses of Parliament to include Scheduled Castes converted to Christianity in the lists of Scheduled Castes alongwith the Neo-Buddhists in May, 1990. As a matter of fact, non-statutory concessions have been extended to the Scheduled Castes converted to Christianity. As Scheduled Castes converted to Christianity objectively deserve to be treated as Scheduled Castes for the purpose of getting various reservations, it is proposed to amend the Presidential Orders so as to include them therein.

Hence this Bill.

NEW DELHI;

GEORGE FERNANDES.

December 11, 1991.

FINANCIAL MEMORANDUM

Clauses 2, 3, 4, 5, 6 and 7 of the Bill provide for extending to Scheduled Castes converts of Christian religion, the benefits, which at present are being enjoyed by the Scheduled Castes of Hindu, Sikh and Buddhist religion. The Bill, therefore, if enacted, will involve an annual recurring expenditure of about rupees two crores from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten lakhs is also likely to be involved.

BILL NO. 8 OF 1992

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1992.

Insertion
of Eighth
para 2A.

2. After para 2 of the Constitution (Scheduled Tribes) Order, 1950, the following para shall be inserted, namely:— C.O. 22.

“2A. From the date of commencement of the Constitution (Scheduled Tribes) Order (Amendment) Act, 1992, if a person belonging to any of the Tribes specified in the Schedule to this Order changes his religion from the one to which he originally belonged, he shall not be deemed to be a Scheduled Tribe from the date of such change.”.

STATEMENT OF OBJECTS AND REASONS

Under the provisions of the Constitution (Scheduled Castes) Order, 1950, any person belonging to any Scheduled Castes if changes his religion, then he is not entitled to the benefits available to the Scheduled Castes. However, in case any person belonging to any Scheduled Tribe, changes his religion, he is not deprived of the benefits available to Scheduled Tribes.

This has resulted in large scale conversion of religion by the Tribals under the lure of money, etc. Moreover, the Scheduled Tribes who convert to christian religion, start getting double benefits, one as a Scheduled Tribe and secondly as a minority community.

The Scheduled Tribe is recognised as a Scheduled Tribe because of his attachment to his culture. If a Scheduled Tribe detaches himself from his culture, then he does not remain a Scheduled Tribe. He does not deserve to be recognised as a Tribal after he changes his religion as he is not anymore interested in the preservance of culture and traditions of Tribals.

Therefore, this Bill proposes that if a Tribal who is known as *Saunsar* in the Tribal belts throughout country, changes his religion, he should be deprived of the benefits available to the Scheduled Tribes. This will also help in curbing the practice of religious conversions by inducement.

Hence this Bill.

NEW DELHI;

LALIT ORAON.

December 18, 1991.

BILL NO. 23 OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Omission
of arti-
cle 44.

2. Article 44 of the Constitution shall be omitted.

Inser-
tion of
new
Part
IVB.

3. After Part IVA of the Constitution, the following Part shall be inserted, namely:—

**“PART IVB
UNIFORM CIVIL LAW**

Defini-
tion.

51B. In this Part, unless the context otherwise requires, “the State” has the same meaning as in Part III.

Uniform
civil
code for
the citi-
zens.

51C. The State shall secure for the citizens a uniform civil code throughout the territory of India.”.

STATEMENT OF OBJECTS AND REASONS

The Constitution makers, while framing the Constitution of India gave a direction to the Government that they should try to make uniform civil laws for all citizens throughout the country. The intention behind this was that when secularism was the avowed object of the Constitution, there should not be various civil laws based on different religions. Moreover, our country is not a theocratic State. It has no State religion. However, various civil laws in force at present are based on different religions.

As the direction to the Government to make uniform civil law is in the Directive Principles of State Policy, it is not enforceable in any court of law and as such no attempt has been made to bring uniform civil code. To ensure uniformity, equality and social justice, it is imperative that a uniform civil code should be brought at the earliest. The Bill accordingly, seeks to amend the Constitution.

NEW DELHI;

BHAGWAN SHANKAR RAWAT.

December 20, 1991.

BILL NO. 4 OF 1992

A Bill to amend the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Constitution (Scheduled Tribes) (Uttar Pradesh) Order (Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment
of the
Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, entries 1 to 5 shall be re-numbered as entries 2 to 6 respectively, and before entry 2 as so re-numbered, the entry "(1) Banjara." shall be inserted.

C.O. 78.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, lists certain tribes for providing them with certain benefits like reservation of seats in educational institutions, services, etc. The basis for inclusion of these tribes in the Schedule to the Order was their socio-economic backwardness. Banjara is a socially and educationally backward tribe living in various parts of the State of Uttar Pradesh. The Bill seeks to include this backward tribe in the Schedule to the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.

NEW DELHI;

BHAGWAN SHANKAR RAWAT,

December 20, 1991.

BILL No. 21 OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1992.

Amend-
ment
of
article
174.

2. In article 174 of the Constitution, in clause (1), for the words “six months”, the words “three months” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

At present, as per the provisions of the Constitution, there can be a gap of six months between the last sitting of a session and the date appointed for its first sitting in the next session of the State Legislature. However, it has been seen that the sessions of the State Legislature are not being held regularly. Taking advantage of the long gap, the State Governments are functioning arbitrarily and thereby ignoring the basic principle of responsibility to the State Legislature. As the sessions of the State Legislature are not being held regularly, the issues concerning the States which should have been raised in the concerned State Legislature are being raised in Parliament.

To ensure regularity in holding sessions and make the State Governments more responsible to the Legislatures, it is suggested that the gap between two sessions of the State Legislatures should not exceed three months.

The Bill, accordingly, seeks to amend the Constitution.

NEW DELHI;
January 27, 1992.

MOHAN SINGH.

BILL No. 22 OF 1992

A Bill to regulate certain conditions of service of the Chief Election Commissioner.

Be it enacted by Parliament in Forty-third Year of the Republic of India as follows:—

Short title

1. This Act may be called the Chief Election Commissioner (Conditions of Service) Act, 1992.

Appointment of Chief Election Commissioner.

2. The Chief Election Commissioner shall be appointed by the President on the recommendation of a Committee consisting of the Chief Justice of India, the Prime Minister, the Leader of Opposition in each House of Parliament or, if there is no such leader, one Member from each House of Parliament elected by Members of the opposition parties in such House.

Tenure of office of Chief Election Commissioner.

3. The Chief Election Commissioner shall hold office for a term of six years from the date on which he enters upon his office:

Provided that he may, at any time, by writing under his hand addressed to the President, resign his office.

Salary and other conditions of service of Chief Election Commissioner.

4. Save as otherwise expressly provided in this Act, the salary and other conditions of service of the Chief Election Commissioner shall be such as are specified in the Second Schedule to the Constitution in respect of the Chief Justice of India.

5. Subject to the provisions of this Act, leave granted to the Chief Election Commissioner at his option, shall be—

(a) Leave on full allowances;

(b) leave on half allowances; or

(c) leave, partly on full allowances and partly on half allowances.

Kinds of leave admissible to Chief Election Commissioner.

Explanation.—For the purposes of this Section any period of leave on full allowances shall be reckoned as double the period of leave on half allowances.

6. The maximum period of leave which may be granted to the Chief Election Commissioner at one time shall be, in the case of leave on full allowances, five months and in case of leave with allowance of any other kind, sixteen months.

Period of leave which may be granted to the Chief Election Commissioner

7. Subject to section 6, leave on half allowances may be granted to the Chief Election Commissioner in excess of the leave due to him—

Grant of leave not due.

(i) on medical grounds; or

(ii) otherwise than on medical grounds for a period not exceeding six months, or for two or more periods not exceeding in the aggregate six months, during the whole period of his service:

Provided that no such leave shall be granted if the Chief Election Commissioner is not expected to return to duty at the end of such leave and earn the leave so granted.

8. Special disability leave may be granted to the Chief Election Commissioner under such circumstances, on such allowances and for such periods as may be prescribed by rules made under this Act.

Special disability leave.

9. Extraordinary leave may be granted to the Chief Election Commissioner for a period not exceeding six months but no salary or allowances shall be payable to him in respect of such leave.

Extraordinary leave.

10. A leave account, showing therein the details of leave admissible and availed of by the Chief Election Commissioner, shall be maintained, to him shall be the President.

Maintenance of leave account

11. The authority competent to grant or refuse leave to the Chief Election Commissioner or to revoke or curtail the leave already granted to him shall be the President.

Authority competent to grant or refuse leave.

12. (1) The monthly rate of leave allowances payable to the Chief Election Commissioner while on leave on full allowances shall be for the first forty-five days of such leave at a rate equal to the monthly rate of the salary and thereafter three thousand rupees.

Leave allowances.

(2) The monthly rate of leave allowances payable to the Chief Election Commissioner while on leave on half allowances shall be two thousand rupees.

Pension payable to Chief Election Commissioner.

13. The Chief Election Commissioner shall on his retirement be eligible to a pension of five thousand rupees per annum for each completed year of service as the Chief Election Commissioner, to be computed from the date on which he enters upon the office of the Chief Election Commissioner:

Provided that where the Chief Election Commissioner at the time of his appointment, is in receipt of a pension in respect of any previous service under the Union or a State, the aggregate amount of his pension shall not exceed thirty-six thousand rupees per annum.

Power to make rules.

14. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be, after it is made, before each House of Parliament while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or to be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Clauses (2) and (5) of article 324 of the Constitution make the intention of the founding fathers of the Constitution clear. The intention was that Parliament should enact a law prescribing the conditions of service, the mode of appointment and tenure of office of the Election Commissioners. Pending such enactment, the conditions of service and tenure of office of the Election Commissioners shall be such as the President may by rule determine.

Such law has not been made by Parliament as yet. Controversies are raging regarding the mode of appointment of the Chief Election Commissioner. At present, the President appoints the Chief Election Commissioner on the advice of the Council of Ministers. The position and authority of the Chief Election Commissioner are similar to those of the Chief Justice of India. The Chief Election Commissioner, on whom rests the responsibility for ensuring free and fair elections, should be a person of high integrity and courage and free from partisan bias or influences. The existing mode of appointment by the President only on the advice of the Council of Ministers leaves room for partisan choice. This may be an inhibiting factor in the independent functioning of the appointee and, to that extent, the present mode of appointment reduces the credibility of the appointee. The appointment of the Chief Election Commissioner by the President as recommended by a Committee consisting of the Prime Minister, Leaders of Opposition and the Chief Justice of India would provide reasonable safeguard against the possible misuse of power by the ruling party in matters relating to the appointment of Chief Election Commissioner. It is, therefore, felt that to put an end to such controversies a law should be enacted by Parliament as soon as possible.

Hence, this Bill.

NEW DELHI;

CHITTA BASU.

January 27, 1992.

FINANCIAL MEMORANDUM

Clause 4 provides for salary and other conditions of service of the Chief Election Commissioner. Clauses 5, 7 and 8 of the Bill entitle the Chief Election Commissioner to various kinds of leave of absence on full or half allowances. Clause 12 prescribes the leave allowances payable to him. Clause 13 provides for payment of pension to him. These provisions when brought into operation are likely to involve some expenditure from the Consolidated Fund of India, but it is not possible at this stage to calculate the additional burden on this account. However, a recurring expenditure of about rupees one lakh is likely to be incurred annually from the Fund.

No non-recurring expenditure is likely to be involved on this account.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules which may be made will be of routine and administrative nature, the delegation of legislative power is thus of a normal character.

BILL NO. 20 OF 1992

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1992.

Short
title
and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 311 of the Constitution, part (c) of the second proviso to clause (2) shall be omitted.

Amend-
ment of
article
311.

STATEMENT OF OBJECTS AND REASONS

Article 311 of the Constitution provides for the dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State. It is provided that no such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges. Other safeguards have also been provided to ensure natural justice.

However, in part (c) of the second proviso to clause (2) of the said article, it has been provided that no such inquiry shall be necessary if the President or Governor, as the case may be, is satisfied that in the interest of the security of State it is not expedient to hold such inquiry. This, it is felt, is an anachronism and likely to do mischief. The object of the Bill is to do away with this provision.

NEW DELHI:

CHITTA BASU.

January 27, 1992

BILL No. 24 OF 1992

*A Bill to provide for initiating family planning measures in the country
and for matters connected therewith.*

BE it enacted by Parliament in the Forty-third Year of the Republic
of India as follows:—

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. (1) This Act may be called the Family Planning Act, 1992. | Short
title, |
| (2) It extends to the whole of India. | extent
and |
| (3) It shall come into force on such date as the Central Government
may, by notification in the Official Gazette, appoint. | com-
mence-
ment, |
| 2. In this Act, unless the context otherwise requires, "family" means
both the husband and the wife. | Defini-
tion. |

Restric-
tion on
number
of chil-
dren in a
family.

3. (1) No family, which has less than two children on the date of coming into force of this Act, shall have more than two children.

(2) No family, which has two or more than two living children on the date of coming into force of this Act, shall procreate another living child after a period of one year of the coming into force of this Act.

Minimum
age for
solemniza-
tion of
marriage.

4. Notwithstanding anything contained in any other law for the time being in force, no marriage shall be solemnised between a male, who is less than twenty-five years of age, and a female, who is less than twenty years of age.

Punish-
ment to
Central
Govern-
ment em-
ployees.

5. If any person, who is an employee of the Central Government or any public undertaking under the control of the Central Government, violates the provisions of sections 3 and 4, such a person shall not be given any further increment or promotion in service.

Restric-
tion on
provision
of free
medical
aid.

6. Any family, which violates the provisions of section 3, shall not be provided with free medical aid.

Insert-
tion of
new
section
8B in Act
No. 43
of 1951.

7. After section 8A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

43 of 1951.

Disquali-
fication
on
ground
of not
following
small
family
norm.

"8B. (1) A person shall be disqualified if he procreates more than two living children:

Provided that the person shall not be disqualified if he, within a period of one year from the date of commencement of the Family Planning Act, 1992, procreates another living child and thereby the number of living children of that person increases to more than two

(2) The disqualification referred to in sub-section (1) shall not apply in case of persons having more than two living children on the date of commencement of the Family Planning Act, 1992."

STATEMENT OF OBJECTS AND REASONS

Number of family planning measures initiated by the Government during the last forty years have not brought good results. The increase in population in India is one of the highest in the world. Many countries including Malaysia have adopted family planning. Even China has also succeeded in implementing the family planning programmes. The situation is becoming so grave that if population control measure are not initiated at this stage, there will be no food to eat. Therefore, there is an urgent need for checking the size of every family by restricting the number of children in a family to two.

The Bill seeks to achieve the above objective.

New Delhi;
January 28, 1992.

BASAVA RAJESWARI.

BILL NO. 26 OF 1992

A Bill further to amend the Protection of Civil Rights Act, 1955.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Protection of Civil Rights (Amendment) Act, 1992.

Amend-
ment of
section 2.

2. In section 2 of the Protection of Civil Rights Act, 1955 (hereinafter referred to as the principal Act), clauses (da) and (db) shall be re-numbered as clauses (db) and (dc) respectively, and before clause "(db)" as so re-numbered, the following clause shall be inserted, namely:—

22 of 1955.

"(da) "practice of untouchability" in relation to an individual or a company means any action taken by such individual or company, whether by committing any act or by words, either spoken or written, or by signs or by visible representation or otherwise,—

(i) which seeks to incite or encourage, whether directly or indirectly, a person or class of persons to treat a person or class of persons as untouchable; or

(ii) which seeks to preach, defend or justify, whether directly or indirectly, "untouchability" by offering historical, philosophical, religious or any other justification for it.

Explanation.—In this clause, the word "company" shall have the same meaning as is assigned to it in clause (a) of the *Explanation* to section 14."

3. In section 3 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words, "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amend-
ment of
section 3.

4. In section 4 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amend-
ment of
section 4.

5. In section 5 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amend-
ment of
section 5.

6. In section 6 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amend-
ment of
section 6.

7. In section 7 of the principal Act, in sub-section (1),—

(i) for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

(ii) *Explanation II* shall be omitted.

8. For section 11 of the principal Act, the following section shall be substituted, namely:—

Substitu-
tion of
new sec-
tion for
section
11.

"11. Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any

Enhanced
penalty

on subsequent conviction.

such offence or abetment, shall, on conviction, be punishable with imprisonment which may extend to five years and also with a fine which may extend to five thousand rupees."

Insertion of new section 15B.

9. After section 15A of the principal Act, the following section shall be inserted, namely:—

Offences under the Act not to be compounded.

"15B. No offence punishable under this Act shall be compounded."

STATEMENT OF OBJECTS AND REASONS

The recent speeches of Shankaracharya of Puri offering justification for the odious practice of untouchability on the basis of the so called *Hindu Shastras* has brought into focus the fact that despite the constitutional prohibition, the practice of untouchability has not disappeared from the country and there are important people who do not hesitate to defend it on philosophical and religious grounds.

In the rural areas, although the wells are constructed by the Government and local bodies for providing the villagers with drinking water yet, in most of the villages, Harijans dare not fetch water from these wells for the fear of their being ostracised and beaten up by the higher castes. If obscurantism among the Hindus is not curbed, it will not only strengthen the obscurantism among other communities but will also lead to social discard and destroy the fabric of our secular democratic State.

This Bill seeks to define the term 'practice of untouchability' and also seeks to enhance the punishment for the offences committed under the Act from six months to three years and bars the compounding of untouchability offences:

NEW DELHI;

MOHAN SINGH.

January 28, 1992.

BILL NO. 6 OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1992.

Amend-
ment of
Eighth
Schedule.

2. In the Eighth Schedule to the Constitution,—

(a) after entry 7, the following entry shall be inserted,
namely:—

“7A. Manipuri.”; and

(b) after entry 8, the following entry shall be inserted,
namely:—

“8A. Nepali.”.

STATEMENT OF OBJECTS AND REASONS

Nepali is a modern Indo-Aryan language with Devanagari as its script. It is a daughter language of Sanskrit and has close affinity with Hindi, Bengali, Gujarati and Marathi. It is spoken by over ten million citizens of India. The actual figure might be much higher. It is the *Linguafranca* of Sikkim. It is an official language of Sikkim and West Bengal Governments. The richness of Nepali language has been recognised by the Sahitya Akademi, the National Institute of Letters, New Delhi as a major Indian literary language. It is a subject of study upto degree, post-graduate and doctorate levels in various Universities in the country.

Since five decades, there has been a consistent demand by over a crore of Nepali speaking Indians for the inclusion of Nepali language in the Eighth Schedule of the Constitution. The State Assemblies of Sikkim, West Bengal, Tripura and Himachal Pradesh have unanimously passed resolutions demanding constitutional recognition for Nepali language. This demand has been supported by almost all the national parties in the country and many of them have included it in their election manifestos.

Manipuri is the official language of the State of Manipur. Its richness has also been recognised by the Sahitya Akademi. There has been a consistent demand for inclusion of Manipuri language in the Eighth Schedule of the Constitution.

It is, therefore, in the fitness of things that Nepali and Manipuri languages be added to the Eighth Schedule of the Constitution.

Hence this Bill.

NEW DELHI;
December 2, 1991.

DIL KUMARI BHANDARI.

C. K. JAIN,
Secretary-General.

